



Reprinted  
April 8, 2005

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## ENGROSSED SENATE BILL No. 533

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DIGEST OF SB 533 (Updated April 7, 2005 10:14 pm - DI 96)

**Citations Affected:** IC 5-14; IC 6-6; IC 8-2.1; IC 9-14; IC 9-16; IC 9-18; IC 9-23; IC 9-24; IC 9-26; IC 9-27; IC 9-29; IC 34-30; noncode.

**Synopsis:** Motor vehicle matters. Revises conflicting language concerning public records confidentiality. Requires: (1) the driver licensing medical advisory board to assist the office of traffic safety; and (2) the office of traffic safety to develop programs and materials concerning senior citizens' driving ability. Provides that: (1) certain driver's licenses issued to individuals at least 85 years of age expire two years after issuance; and (2) an individual who is at least 75 years of age must apply for or renew a driver's license at a license branch. Grants immunity from civil or criminal liability to a licensed physician, optometrist, or advanced practice nurse who makes a good faith report to the bureau of motor vehicles (bureau) concerning a patient's fitness to operate a motor vehicle not more than 30 days after having examined the patient. Revises fees for copies of certain bureau records. Revises educational and age requirements for a commercial driver training  
(Continued next page)

**Effective:** Upon passage; July 1, 2005.

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### Riegsecker

(HOUSE SPONSORS — LEHE, BUCK, THOMAS)

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January 20, 2005, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

February 24, 2005, amended, reported favorably — Do Pass.

February 28, 2005, read second time, ordered engrossed. Engrossed.

March 1, 2005, read third time, passed. Yeas 47, nays 1.

#### HOUSE ACTION

March 8, 2005, read first time and referred to Committee on Roads and Transportation.

March 29, 2005, amended, reported — Do Pass.

April 7, 2005, read second time, amended, ordered engrossed.

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instructor's license. Requires the commissioner (commissioner) of the bureau to administer the policies and procedures of the bureau and to submit budget proposals for the bureau to the budget director. Requires a person operating a license branch to collect service charges and deposit them in the license branch fund. Requires the operator of a vehicle involved in an accident to report the accident to the bureau within ten days of the accident under certain circumstances. (Current law requires the report to be made to the state police.) Authorizes the bureau to determine a schedule for yearly registration of certain vehicles. Deletes the requirement that the bureau adopt an administrative rule requiring the Social Security number of the holder to be shown on a commercial driver's license. Changes the regulation of licensing of vehicle merchandising. Repeals the requirement that set the replacement cycle for certain license plates at one year, and sets the cycles for replacement at five years. Authorizes an eligible person to receive a disabled veteran license plate for each vehicle registered to the person. Revises requirements for a driver who is a diabetic operating certain motor vehicles used in intrastate commerce. Makes a technical correction and conforming changes.

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Reprinted  
April 8, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 533

A BILL FOR AN ACT to amend the Indiana Code concerning  
motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 5-14-3-4, AS AMENDED BY P.L.173-2003,  
2 SECTION 5, AND AS AMENDED BY P.L.200-2003, SECTION 3, IS  
3 CORRECTED AND AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The following public records  
5 are excepted from section 3 of this chapter and may not be disclosed by  
6 a public agency, unless access to the records is specifically required by  
7 a state or federal statute or is ordered by a court under the rules of  
8 discovery:  
9 (1) Those declared confidential by state statute.  
10 (2) Those declared confidential by rule adopted by a public  
11 agency under specific authority to classify public records as  
12 confidential granted to the public agency by statute.  
13 (3) Those required to be kept confidential by federal law.  
14 (4) Records containing trade secrets.  
15 (5) Confidential financial information obtained, upon request,  
16 from a person. However, this does not include information that is  
17 filed with or received by a public agency pursuant to state statute.

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(6) Information concerning research, including actual research documents, conducted under the auspices of an institution of higher education, including information:

(A) concerning any negotiations made with respect to the research; and

(B) received from another party involved in the research.

(7) Grade transcripts and license examination scores obtained as part of a licensure process.

(8) Those declared confidential by or under rules adopted by the supreme court of Indiana.

(9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39.

(10) Application information declared confidential by the twenty-first century research and technology fund board under IC 4-4-5.1.

(11) A photograph, a video recording, or an audio recording of an autopsy, except as provided in IC 36-2-14-10.

(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

(1) Investigatory records of law enforcement agencies. However, certain law enforcement records must be made available for inspection and copying as provided in section 5 of this chapter.

(2) The work product of an attorney representing, pursuant to state employment or an appointment by a public agency:

(A) a public agency;

(B) the state; or

(C) an individual.

(3) Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment, or academic examination before the examination is given or if it is to be given again.

(4) Scores of tests if the person is identified by name and has not consented to the release of the person's scores.

(5) The following:

(A) Records relating to negotiations between the department of commerce, the Indiana development finance authority, the film commission, the Indiana business modernization and technology corporation, or economic development commissions with industrial, research, or commercial prospects, if the records are created while negotiations are in progress.

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(B) Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the department of commerce, the Indiana development finance authority, the Indiana film commission, the Indiana business modernization and technology corporation, or economic development commissions to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

(C) When disclosing a final offer under clause (B), the department of commerce shall certify that the information being disclosed accurately and completely represents the terms of the final offer.

(6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.

(7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.

(8) Personnel files of public employees and files of applicants for public employment, except for:

(A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;

(B) information relating to the status of any formal charges against the employee; and

(C) ~~information concerning the factual basis for a disciplinary action~~ *action* in which final action has been taken and that resulted in the employee being ~~disciplined~~ *suspended, demoted, or discharged.*

However, all personnel file information shall be made available to the affected employee or the employee's representative. This subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.

(9) Minutes or records of hospital medical staff meetings.

(10) Administrative or technical information that would jeopardize a record keeping or security system.

(11) Computer programs, computer codes, computer filing

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1 systems, and other software that are owned by the public agency  
 2 or entrusted to it and portions of electronic maps entrusted to a  
 3 public agency by a utility.

4 (12) Records specifically prepared for discussion or developed  
 5 during discussion in an executive session under IC 5-14-1.5-6.1.  
 6 However, this subdivision does not apply to that information  
 7 required to be available for inspection and copying under  
 8 subdivision (8).

9 (13) The work product of the legislative services agency under  
 10 personnel rules approved by the legislative council.

11 (14) The work product of individual members and the partisan  
 12 staffs of the general assembly.

13 (15) The identity of a donor of a gift made to a public agency if:

14 (A) the donor requires nondisclosure of the donor's identity as  
 15 a condition of making the gift; or

16 (B) after the gift is made, the donor or a member of the donor's  
 17 family requests nondisclosure.

18 (16) Library or archival records:

19 (A) which can be used to identify any library patron; or

20 (B) deposited with or acquired by a library upon a condition  
 21 that the records be disclosed only:

22 (i) to qualified researchers;

23 (ii) after the passing of a period of years that is specified in  
 24 the documents under which the deposit or acquisition is  
 25 made; or

26 (iii) after the death of persons specified at the time of the  
 27 acquisition or deposit.

28 However, nothing in this subdivision shall limit or affect contracts  
 29 entered into by the Indiana state library pursuant to IC 4-1-6-8.

30 (17) The identity of any person who contacts the bureau of motor  
 31 vehicles concerning the ability of a driver to operate a motor  
 32 vehicle safely and the medical records and evaluations made by  
 33 the bureau of motor vehicles staff or members of the driver  
 34 licensing ~~medical committee~~ advisory board. However, upon  
 35 written request to the commissioner of the bureau of motor  
 36 vehicles, the driver must be given copies of the driver's medical  
 37 records and evaluations that concern the driver.

38 (18) School safety and security measures, plans, and systems,  
 39 including emergency preparedness plans developed under 511  
 40 IAC 6.1-2-2.5.

41 (19) A record or a part of a record, the public disclosure of which  
 42 would have a reasonable likelihood of threatening public safety

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by exposing a vulnerability to terrorist attack. A record described under this subdivision includes:

- (A) a record assembled, prepared, or maintained to prevent, mitigate, or respond to an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2;
- (B) vulnerability assessments;
- (C) risk planning documents;
- (D) needs assessments;
- (E) threat assessments;
- (F) domestic preparedness strategies;
- (G) the location of community drinking water wells and surface water intakes;
- (H) the emergency contact information of emergency responders and volunteers;
- (I) infrastructure records that disclose the configuration of critical systems such as communication, electrical, ventilation, water, and wastewater systems; and
- (J) detailed drawings or specifications of structural elements, floor plans, and operating, utility, or security systems, whether in paper or electronic form, of any building or facility located on an airport (as defined in IC 8-21-1-1) that is owned, occupied, leased, or maintained by a public agency. A record described in this clause may not be released for public inspection *by any public agency* without the prior approval of the public agency *that owns, occupies, leases, or maintains the airport*. The ~~submitting~~ public agency *that owns, occupies, leases, or maintains the airport*:
  - (i) is responsible for determining whether the public disclosure of a record or a part of a record has a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack; and
  - (ii) must identify a record described under item (i) and clearly mark the record as "confidential and not subject to public disclosure under ~~IC 5-14-3-4(19)(I)~~ **IC 5-14-3-4(b)(19)(J)** without approval of (insert name of submitting public agency)".

This subdivision does not apply to a record or portion of a record pertaining to a location or structure owned or protected by a public agency in the event that an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2 has occurred at that location or structure, unless release of the record or portion of the record would have a

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reasonable likelihood of threatening public safety by exposing a vulnerability of other locations or structures to terrorist attack.

(20) The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1):

(A) Telephone number.

(B) Address.

(C) Social Security number.

(c) Nothing contained in subsection (b) shall limit or affect the right of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency.

(d) Notwithstanding any other law, a public record that is classified as confidential, other than a record concerning an adoption, shall be made available for inspection and copying seventy-five (75) years after the creation of that record.

(e) Notwithstanding subsection (d) and section 7 of this chapter:

(1) public records subject to IC 5-15 may be destroyed only in accordance with record retention schedules under IC 5-15; or

(2) public records not subject to IC 5-15 may be destroyed in the ordinary course of business.

SECTION 2. IC 6-6-5-7.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 7.9. (a) As used in this section, "passenger motor vehicle" has the meaning set forth in IC 9-13-2-123(a).**

**(b) Notwithstanding any other law, and for calendar year 2006, the registration fee for a passenger motor vehicle that is registered in Indiana in calendar year 2005 shall be at the rate as set forth in IC 9-29-5-1 with no reduction for any partial calendar month that has elapsed since the regular annual registration date in calendar year 2005.**

**(c) This section expires January 1, 2007.**

SECTION 3. IC 8-2.1-24-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 18. (a) 49 CFR Parts 382 through 387, 390 through 393, and 395 through 398 is incorporated into Indiana law by reference, and, except as provided in subsections (d), (e), (f), and (g), must be complied with by an interstate and intrastate motor carrier of persons or property throughout Indiana. Intrastate motor carriers subject to compliance reviews under 49 CFR 385 shall be selected according to criteria determined by the superintendent which must include but is not limited to factors such as previous history of violations found in roadside compliance checks and other recorded violations. However, The provisions of 49 CFR 395 that regulate the hours of service of drivers, including requirements for the**

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1 maintenance of logs, do not apply to a driver of a truck that is  
 2 registered by the bureau of motor vehicles and used as a farm truck  
 3 under IC 9-18, or a vehicle operated in intrastate construction or  
 4 construction related service, or the restoration of public utility services  
 5 interrupted by an emergency. Except as provided in subsection (i),  
 6 intrastate motor carriers not operating under authority issued by the  
 7 United States Department of Transportation shall comply with the  
 8 requirements of 49 CFR 390.21(b)(3) by registering with the  
 9 department of state revenue as an intrastate motor carrier and  
 10 displaying the certification number issued by the department of state  
 11 revenue preceded by the letters "IN". Except as provided in subsection  
 12 (i), all other requirements of 49 CFR 390.21 apply equally to interstate  
 13 and intrastate motor carriers.

14 (b) 49 CFR 107 subpart (F) and subpart (G), 171 through 173, 177  
 15 through 178, and 180, is incorporated into Indiana law by reference,  
 16 and every:

- 17 (1) private carrier;
- 18 (2) common carrier;
- 19 (3) contract carrier;
- 20 (4) motor carrier of property, intrastate;
- 21 (5) hazardous material shipper; and
- 22 (6) carrier otherwise exempt under section 3 of this chapter;

23 must comply with the federal regulations incorporated under this  
 24 subsection, whether engaged in interstate or intrastate commerce.

25 (c) Notwithstanding subsection (b), nonspecification bulk and  
 26 nonbulk packaging, including cargo tank motor vehicles, may be used  
 27 only if all the following conditions exist:

- 28 (1) The maximum capacity of the vehicle is less than three  
 29 thousand five hundred (3,500) gallons.
- 30 (2) The shipment of goods is limited to intrastate commerce.
- 31 (3) The vehicle is used only for the purpose of transporting fuel  
 32 oil, kerosene, diesel fuel, gasoline, gasohol, or any combination  
 33 of these substances.

34 All additional federal standards for the safe transportation of hazardous  
 35 materials apply until July 1, 2000. After June 30, 2000, the  
 36 maintenance, inspection, and marking requirements of 49 CFR 173.8  
 37 and Part 180 are applicable. In accordance with federal hazardous  
 38 materials regulations, new or additional nonspecification cargo tank  
 39 motor vehicles may not be placed in service under this subsection after  
 40 June 30, 1998.

41 (d) For the purpose of enforcing this section, only:

- 42 (1) a state police officer or state police motor carrier inspector

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who:

(A) has successfully completed a course of instruction approved by the Federal Highway Administration; and

(B) maintains an acceptable competency level as established by the state police department; or

(2) an employee of a law enforcement agency who:

(A) before January 1, 1991, has successfully completed a course of instruction approved by the Federal Highway Administration; and

(B) maintains an acceptable competency level as established by the state police department;

on the enforcement of 49 CFR, may, upon demand, inspect the books, accounts, papers, records, memoranda, equipment, and premises of any carrier, including a carrier exempt under section 3 of this chapter.

(e) A person hired before September 1, 1985, who operates a motor vehicle intrastate incidentally to the person's normal employment duties and who is not employed as a chauffeur (as defined in IC 9-13-2-21(a)) is exempt from 49 CFR 391 as incorporated by this section.

(f) Notwithstanding any provision of 49 CFR 391 to the contrary, a person at least eighteen (18) years of age and less than twenty-one (21) years of age may be employed as a driver to operate a commercial motor vehicle intrastate. However, a person employed under this subsection is not exempt from any other provision of 49 CFR 391.

(g) Notwithstanding subsection (a) or (b), the following provisions of 49 CFR do not apply to private carriers of property operated only in intrastate commerce or any carriers of property operated only in intrastate commerce ~~while employed in construction or construction related service~~ **regardless of whether the carrier vehicle is of a class that requires a commercial driver's license:**

(1) Subpart 391.41(b)(3) as it applies to physical qualifications of a driver who has ~~applied for or holds a commercial driver's license (as defined in IC 9-13-2-29); been~~ diagnosed as an insulin dependent diabetic, if the driver has applied for and been granted an intrastate medical waiver by the bureau of motor vehicles **pursuant to this subdivision. The same standards and the following procedures apply for this waiver regardless of whether the driver is required to hold a commercial driver's license. An application for the waiver may be submitted by a driver after having been** completed and signed by a certified endocrinologist or the driver's treating physician attesting that the driver:

(A) is **not** otherwise physically ~~qualified~~ **disqualified** under

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Subpart 391.41 to operate a motor vehicle, **regardless of whether an additional disqualifying condition results from the diabetic condition**, and is not likely to suffer any diminution in driving ability due to the driver's diabetic condition;

(B) is free of severe hypoglycemia or hypoglycemia unawareness and has had less than one (1) documented, symptomatic hypoglycemic reaction per month;

(C) has demonstrated the ability and willingness to properly monitor and manage the driver's diabetic condition;

(D) has agreed to and, to the endocrinologist's or treating physician's knowledge, has carried a source of rapidly absorbable glucose at all times while driving a motor vehicle, has self monitored blood glucose levels one (1) hour before driving and at least once every four (4) hours while driving or on duty before driving using a portable glucose monitoring device equipped with a computerized memory; and

(E) has submitted the blood glucose logs from the monitoring device to the endocrinologist or treating physician at the time of the annual medical examination.

A copy of the blood glucose logs shall be filed along with the annual statement from the endocrinologist or treating physician with the bureau of motor vehicles for review by the driver licensing medical advisory board established under IC 9-14-4. A copy of the annual statement shall also be provided to the driver's employer for retention in the driver's qualification file, and a copy shall be retained and held by the driver while driving for presentation to an authorized federal, state, or local law enforcement official. **Notwithstanding the requirements of this clause, the endocrinologist, the treating physician, the driver licensing medical advisory board, or the bureau of motor vehicles may establish a shorter period for the medical examination required under this clause when medical indications warrant.**

(2) Subpart 396.9 as it applies to inspection of vehicles carrying or loaded with a perishable product. However, this exemption does not prohibit a law enforcement officer from stopping these vehicles for an obvious violation that poses an imminent threat of an accident or incident. The exemption is not intended to include refrigerated vehicles loaded with perishables when the refrigeration unit is working.

(3) Subpart 396.11 as it applies to driver vehicle inspection

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reports.

(4) Subpart 396.13 as it applies to driver inspection.

(h) For purposes of 49 CFR 395.1(l), "planting and harvesting season" refers to the period between January 1 and December 31 of each year. The intrastate commerce exception set forth in 49 CFR 395.1(l), as it applies to the transportation of agricultural commodities and farm supplies, is restricted to single vehicles and cargo tank motor vehicles with a capacity of not more than five thousand four hundred (5,400) gallons.

(i) The requirements of 49 CFR 390.21 do not apply to an intrastate carrier or a guest operator not engaged in interstate commerce and operating a motor vehicle as a farm vehicle in connection with agricultural pursuits usual and normal to the user's farming operation or for personal purposes unless the vehicle is operated either part time or incidentally in the conduct of a commercial enterprise.

(j) The superintendent of state police may adopt rules under IC 4-22-2 governing the parts and subparts of 49 CFR incorporated by reference under this section.

SECTION 4. IC 9-14-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The commissioner shall do the following:

(1) Administer and enforce:

**(A) this title and other statutes concerning the bureau; and**

~~(2) Administer and enforce~~

**(B) the policies and procedures of the ~~commission~~ bureau.**

~~(3) (2) Organize the bureau in the manner necessary to carry out the duties of the bureau.~~

~~(4) (3) Submit to the commission, before September 1 of each year budget proposals for the bureau including license branches staffed by employees of the commission under IC 9-16: to the budget director before September 1 of each year.~~

~~(5) (4) Perform other duties assigned by the commission: as required by the bureau.~~

SECTION 5. IC 9-14-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) Except as provided in subsection (b), (d), or (e), the bureau shall prepare and deliver information on titles, registrations, and licenses and permits upon the request of any person. All requests must be:

**(1) submitted in writing; or**

**(2) made electronically through the computer gateway administered by the intelenet commission under IC 5-21;**

to the bureau and, unless exempted under IC 9-29, must be

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1 accompanied by the payment of the fee prescribed in IC 9-29-2-2.

2 (b) The bureau shall not disclose:

- 3 (1) the Social Security number;
- 4 (2) the federal identification number;
- 5 (3) the driver's license number;
- 6 (4) the digital image of the driver's license applicant;
- 7 (5) a reproduction of the signature secured under IC 9-24-9-1 or
- 8 IC 9-24-16-3; or
- 9 (6) medical or disability information;

10 of any person except as provided in subsection (c).

11 (c) The bureau may disclose any information listed in subsection  
12 (b):

- 13 (1) to a law enforcement officer;
- 14 (2) to an agent or a designee of the department of state revenue;
- 15 (3) for uses permitted under IC 9-14-3.5-10(1), IC 9-14-3.5-10(4),
- 16 IC 9-14-3.5-10(6), and IC 9-14-3.5-10(9); or
- 17 (4) for voter registration and election purposes required under
- 18 IC 3-7 or IC 9-24-2.5.

19 (d) As provided under 42 U.S.C. 1973gg-3(b), the commission may  
20 not disclose any information concerning the failure of an applicant for  
21 a motor vehicle driver's license to sign a voter registration application,  
22 except as authorized under IC 3-7-14.

23 (e) The commission may not disclose any information concerning  
24 the failure of an applicant for a title, registration, license, or permit  
25 (other than a motor vehicle license described under subsection (d)) to  
26 sign a voter registration application, except as authorized under  
27 IC 3-7-14.

28 SECTION 6. IC 9-14-4-4 IS AMENDED TO READ AS FOLLOWS  
29 [EFFECTIVE JULY 1, 2005]: Sec. 4. The board shall provide the  
30 commissioner **and the office of traffic safety created by IC 9-27-2-2**  
31 with assistance in the administration of Indiana driver licensing laws,  
32 including:

- 33 (1) providing guidance to the commissioner in the area of
- 34 licensing drivers with health or other problems that may adversely
- 35 affect a driver's ability to operate a vehicle safely;
- 36 (2) recommending factors to be used in determining qualifications
- 37 and ability for issuance and retention of a driver's license; and
- 38 (3) recommending and participating in the review of license
- 39 suspension, restriction, or revocation appeal procedures.

40 SECTION 7. IC 9-16-1-4.5 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.5. (a) The  
42 commission may contract with a qualified person to provide partial

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1 services at a qualified person's ~~walk-up~~ location, including locations  
 2 within a facility used for other purposes, such as electronic titling and  
 3 title application services and self-serve terminal access.

4 (b) A contract for providing motor vehicle registration and renewal  
 5 services at a ~~walk-up~~ location must include the following provisions:

6 (1) The contractor must provide trained personnel to properly  
 7 process motor vehicle registration and renewal transactions.

8 (2) The contractor shall do the following:

9 (A) Collect and transmit all bureau fees and taxes collected at  
 10 the contract location.

11 (B) Deposit the taxes collected at the contract location with the  
 12 county treasurer in the manner prescribed by IC 6-3.5 or  
 13 IC 6-6-5.

14 (3) The contractor shall provide fidelity bond coverage in an  
 15 amount prescribed by the commission.

16 (4) The contractor shall pay the cost of any post audits conducted  
 17 by the commission or the state board of accounts on an actual cost  
 18 basis.

19 (5) The commission must approve each location and physical  
 20 facility used by a contractor.

21 (6) The term of the contract must be for a fixed period.

22 SECTION 8. IC 9-16-1-5 IS AMENDED TO READ AS FOLLOWS  
 23 [EFFECTIVE JULY 1, 2005]: Sec. 5. Each license branch, **full service**  
 24 **provider, or partial services provider** shall collect the service  
 25 charges prescribed by IC 9-29-3 and ~~deposited~~ **deposit the service**  
 26 **charges** in the state license branch fund established under IC 9-29-14.

27 SECTION 9. IC 9-18-2-8 IS AMENDED TO READ AS FOLLOWS  
 28 [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The bureau shall register  
 29 vehicles under the schedule in this section.

30 (b) A person who owns a vehicle shall receive a license plate,  
 31 renewal tag, or other indicia upon registration of the vehicle. The  
 32 bureau may determine the device required to be displayed.

33 (c) A corporation shall register, before February 1 of each year, the  
 34 following vehicles that are owned by the corporation:

35 (1) A passenger motor vehicle that is not regularly rented to  
 36 others for not more than twenty-nine (29) days in the regular  
 37 course of the corporation's business.

38 (2) A recreational vehicle.

39 (3) A motorcycle.

40 (4) A truck that:

41 (A) is not regularly rented to others for not more than  
 42 twenty-nine (29) days in the regular course of the corporation's

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- 1 business; and
- 2 (B) has a declared gross weight of not more than eleven
- 3 thousand (11,000) pounds.
- 4 (d) A corporation that owns a:
- 5 (1) passenger motor vehicle; or
- 6 (2) truck that has a declared gross weight of not more than eleven
- 7 thousand (11,000) pounds;
- 8 that is regularly rented to others for periods of not more than
- 9 twenty-nine (29) days in the regular course of the corporation's
- 10 business must register the passenger motor vehicle or truck before
- 11 March 1 of each year.
- 12 (e) **For registrations for 2005**, a person who owns a:
- 13 (1) passenger motor vehicle;
- 14 (2) recreational vehicle;
- 15 (3) motorcycle; or
- 16 (4) truck that has a declared gross weight of not more than eleven
- 17 thousand (11,000) pounds;
- 18 that is not subject to the registration requirements under subsection (d)
- 19 shall register the passenger motor vehicle, recreational vehicle,
- 20 motorcycle, or truck in conformance with the schedule set forth in
- 21 subsection (f) or (g).
- 22 (f) **After December 31, 2005, a person who owns a vehicle**
- 23 **subject to registration under this subsection shall register the**
- 24 **vehicle in accordance with subsection (g).** The following schedule
- 25 applies to persons who own vehicles that are required to be registered
- 26 under subsection (e):
- 27 (1) Persons whose last names begin with the letters A through BE
- 28 shall register before February 16 of each year.
- 29 (2) Persons whose last names begin with the letters BF through
- 30 BZ shall register before March 1 of each year.
- 31 (3) Persons whose last names begin with the letter C shall register
- 32 before March 16 of each year.
- 33 (4) Persons whose last names begin with the letter D shall register
- 34 before April 1 of each year.
- 35 (5) Persons whose last names begin with the letters E through F
- 36 shall register before April 16 of each year.
- 37 (6) Persons whose last names begin with the letter G shall register
- 38 before May 1 of each year.
- 39 (7) Persons whose last names begin with the letters HA through
- 40 HN shall register before May 16 of each year.
- 41 (8) Persons whose last names begin with the letters HO through
- 42 I shall register before June 1 of each year.

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(9) Persons whose last names begin with the letters J through KM shall register before June 16 of each year.

(10) Persons whose last names begin with the letters KN through L shall register before July 1 of each year.

(11) Persons whose last names begin with the letters MA through ME shall register before July 16 of each year.

(12) Persons whose last names begin with the letters MF through O shall register before August 1 of each year.

(13) Persons whose last names begin with the letters P through Q shall register before August 16 of each year.

(14) Persons whose last names begin with the letter R shall register before September 1 of each year.

(15) Persons whose last names begin with the letters SA through SN shall register before September 16 of each year.

(16) Persons whose last names begin with the letters SO through T shall register before October 1 of each year.

(17) Persons whose last names begin with the letters U through WK shall register before October 16 of each year.

(18) Persons whose last names begin with the letters WL through Z shall register before November 1 of each year.

**(g) The bureau shall determine the schedule for registration for the categories of vehicles set forth in subsection (e) for registrations required after December 31, 2005.**

~~(g)~~ **(h)** A person who owns a vehicle **in a category** required to be registered under subsection (c), (d), or (e), and who desires to register the vehicle for the first time must apply to the bureau for a registration application form. The bureau shall do the following:

(1) Administer the registration application form.

(2) Issue the license plate.

(3) Collect the proper registration and service fees in accordance with the procedure established by the bureau.

~~(h)~~ **(i)** The bureau shall issue a semipermanent plate under section 30 of this chapter, or:

(1) an annual renewal tag; or

(2) other indicia;

to be affixed on the semipermanent plate.

SECTION 10. IC 9-18-2-47 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 47. (a) The commissioner shall adopt rules under IC 4-22-2 prescribing the cycle for the issuance and replacement of license plates under this article. The rules adopted under this section shall provide that a license plate for a vehicle issued under this article is valid for five (5) years.

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(b) The rules adopted under this section do not apply to:

- ~~(1) low digit license plates issued under section 28 of this chapter;~~
- ~~(2) (1) truck license plates issued under section 4.5 or 18 of this chapter; and~~
- ~~(3) (2) general assembly and other state official license plates issued under IC 9-18-16.~~

SECTION 11. IC 9-18-18-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. **(a) This subsection applies before January 1, 2006.** Not more than two (2) disabled veteran license plates may be issued to each eligible person.

**(b) This subsection applies after December 31, 2005. An eligible person may apply for a disabled veteran license plate for each vehicle registered to the eligible person.**

SECTION 12. IC 9-23-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) A license issued under this chapter may be denied, suspended, or revoked for any of the following:

- (1) Material misrepresentation in the application for the license or other information filed with the commissioner.
- (2) Lack of fitness under the standards set forth in this article or a rule adopted by the commissioner under this article.
- (3) Willful failure to comply with the provisions of this article or a rule adopted by the commissioner under this article.
- (4) Willful violation of a federal or state law relating to the sale, distribution, financing, or insuring of motor vehicles.
- (5) Engaging in an unfair practice as set forth in this article or a rule adopted by the commissioner under this article.
- (6) Violating IC 23-2-2.7.

~~(b)~~ Except as provided in subsection (d), the procedures set forth in IC 4-21.5 govern the denial, suspension, or revocation of a license and a judicial review. **However, A denial, suspension, or revocation of a license may not take effect until thirty (30) days after the commissioner's determination has been made and a notice of the determination served upon the affected person.**

**(b)** If the bureau denies, suspends, or revokes a license issued or sought under this article, the affected person may file an action in the circuit court of Marion County, Indiana, or the circuit court of the Indiana county in which the person's principal place of business is located, seeking a judicial determination as to whether the action is proper. **An action may not take effect until thirty (30) days after the commissioner's determination has been made and a notice of the determination served upon the affected person.** The filing of an action

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as described in this section within the thirty (30) day period is an automatic stay of the commissioner's determination.

(c) Revocation or suspension of a license of a manufacturer, a distributor, a factory branch, a distributor branch, a dealer, or an automobile auctioneer may be limited to one (1) or more locations, to one (1) or more defined areas, or only to certain aspects of the business.

(d) A license may be denied, suspended, or revoked for violating IC 9-19-1. IC 4-21.5-4 governs the denial, suspension, or revocation of a license under this subsection. The bureau may issue a temporary order to enforce this subsection.

SECTION 13. IC 9-24-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The bureau shall adopt rules under IC 4-22-2 to regulate persons required to hold a commercial driver's license.

(b) The rules must carry out 49 U.S.C. 521, 49 U.S.C. 31104, 49 U.S.C. 31301 through 31306, 49 U.S.C. 31308 through 31317, and 49 CFR 383 through 384, and may not be more restrictive than the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159.113 Stat. 1748).

(c) Rules adopted under this section must include the following:

- (1) Establishment of classes and periods of validation of commercial driver's licenses.
- (2) Standards for commercial driver's licenses, including suspension and revocation procedures.
- (3) Requirements for documentation of eligibility for legal employment, as set forth in 8 CFR 274a.2, and proof of residence in Indiana.
- (4) Development of written or oral tests, driving tests, and fitness requirements.
- (5) Defining the commercial driver's licenses by classification and the information to be contained on the licenses, including ~~the Social Security number and~~ a unique identifier of the holder.
- (6) Establishing fees for the issuance of commercial driver's licenses, including fees for testing and examination.
- (7) Procedures for the notification by the holder of a commercial driver's license to the bureau and the driver's employer of pointable traffic offense convictions.
- (8) Conditions for reciprocity with other states, including requirements for a written commercial driver's license test and operational skills test, and a hazardous materials endorsement written test and operational skills test, before a license may be issued.

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(9) Other rules necessary to administer this chapter.

(d) 49 CFR 383 through 384 are adopted as Indiana law.

SECTION 14. IC 9-24-10-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 7.5. A physician licensed to practice medicine under IC 25-22.5, an optometrist licensed to practice optometry under IC 25-24, or an advanced practice nurse licensed under IC 25-23 who has personally examined the patient not more than thirty (30) days before making a report concerning the patient's fitness to operate a motor vehicle is not civilly or criminally liable for a report made in good faith to the:**

(1) bureau;

(2) commission; or

(3) driver licensing medical advisory board;

**concerning the fitness of a patient of the physician, optometrist, or advanced practice nurse to operate a motor vehicle in a manner that does not jeopardize the safety of individuals or property.**

SECTION 15. IC 9-24-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Except as provided in subsection (b) **and section 10 of this chapter**, an operator's license issued under this article after December 31, 1996, expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.

(b) **Except as provided in section 10 of this chapter**, an operator's license issued after December 31, 1996, to an applicant who is at least seventy-five (75) years of age:

(1) expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance; **and**

(2) **must be renewed by the holder by application in person at a license branch, as provided under section 5(c) of this chapter.**

SECTION 16. IC 9-24-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) **Except as provided in section 10 of this chapter**, a chauffeur's license issued under this article after December 31, 1996, expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.

(b) **An individual who is:**

(1) **at least seventy-five (75) years of age; and**

(2) **renewing a chauffeur's license;**

**must renew by application in person at a license branch, as provided under section 5(c) of this chapter.**

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SECTION 17. IC 9-24-12-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) An individual who applies for renewal of an operator's, a motorcycle operator's, a chauffeur's, or a public passenger chauffeur's license in person at a license branch must do the following:

(1) Pass an eyesight examination.

(2) Pass a written examination if:

(A) the applicant has at least six (6) active points on the applicant's driving record maintained by the bureau; or

(B) the applicant holds a valid operator's license but has not reached the applicant's twenty-first birthday.

(b) **Except as provided in section 10 of this chapter**, an individual may apply for renewal of an operator's, a motorcycle operator's, a chauffeur's, or a public passenger chauffeur's license by mail or by electronic service if the following conditions are met:

(1) A valid computerized image of the individual exists within the records of the bureau.

(2) The previous renewal of the operator's, motorcycle operator's, chauffeur's, or public passenger chauffeur's license was not made by mail or by electronic service.

(3) The previous renewal included a test approved by the bureau of the applicant's eyesight.

(4) The applicant, if applying for the renewal in person at a license branch, would not be required under subsection (a)(2) to submit to a written examination.

(c) An individual applying for the renewal of an operator's, a motorcycle operator's, a chauffeur's, or a public passenger chauffeur's license must apply in person at a license branch under subsection (a) if the individual is not entitled to apply by mail or by electronic service:

(1) under subsection (b); **or**

(2) **as provided by section 1(b)(2), 2(b), 7(b)(2), or 10(b) of this chapter.**

SECTION 18. IC 9-24-12-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) Except as provided in subsection (b) **and section 10 of this chapter**, a motorcycle operator's license issued after December 31, 1996, expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.

(b) **Except as provided in section 10 of this chapter**, a motorcycle operator's license issued after December 31, 1996, to an applicant who is at least seventy-five (75) years of age:

(1) expires at midnight of the birthday of the holder that occurs

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three (3) years following the date of issuance; **and**  
**(2) must be renewed by the holder by application in person at**  
**a license branch, as provided under section 5(c) of this**  
**chapter.**

(c) A motorcycle operator endorsement remains in effect for the same term as the license being endorsed and is subject to renewal at and after the expiration of the license in accordance with this chapter.

(d) A temporary motorcycle learner's permit is valid for twelve (12) months from date of issuance.

SECTION 19. IC 9-24-12-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 10. (a) After June 30, 2005:**

- (1) an operator's;**
- (2) a chauffeur's; or**
- (3) a motorcycle operator's;**

**license issued to or renewed by a driver who is at least eighty-five (85) years of age expires at midnight of the birthday of the holder that occurs two (2) years following the date of issuance.**

**(b) An applicant for a renewal of a:**

- (1) license as set forth in subsection (a); or**
- (2) public passenger chauffeur's license who is at least eighty-five (85) years of age;**

**must pass an eyesight examination given in person at a license branch before the renewal license may be issued by the bureau.**

SECTION 20. IC 9-26-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 1.** The driver of a vehicle involved in an accident that results in the injury or death of a person shall do the following:

- (1) Immediately stop the vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.**

- (2) Immediately return to and remain at the scene of the accident until the driver does the following:**

**(A) Gives the driver's name and address and the registration number of the vehicle the driver was driving.**

**(B) Upon request, exhibits the driver's license of the driver to the following:**

- (i) The person struck.**
- (ii) The driver or occupant of or person attending each vehicle involved in the accident.**

**(C) Determines the need for and renders reasonable assistance to each person injured in the accident, including the removal**

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or the making of arrangements for the removal of each injured person to a physician or hospital for medical treatment.

(3) Immediately give notice of the accident by the quickest means of communication to one (1) of the following:

(A) The local police department if the accident occurs within a municipality.

(B) The office of the county sheriff or the nearest state police post if the accident occurs outside a municipality.

(4) Within ten (10) days after the accident, forward a written report of the accident to the:

(A) state police department, **if the accident occurs before January 1, 2006; or**

**(B) bureau, if the accident occurs after December 31, 2005.**

SECTION 21. IC 9-26-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The driver of a vehicle involved in an accident that does not result in injury or death of a person but that does result in damage to a vehicle that is driven or attended by a person shall do the following:

(1) Immediately stop the vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.

(2) Immediately return to and remain at the scene of the accident until the driver does the following:

(A) Gives the driver's name and address and the registration number of the vehicle the driver was driving.

(B) Upon request, exhibits the driver's license of the driver to the driver or occupant of or person attending each vehicle involved in the accident.

(3) If the accident results in total property damage to an apparent extent of at least one thousand dollars (\$1,000), forward a written report of the accident to the:

(A) state police department, **if the accident occurs before January 1, 2006; or**

**(B) bureau, if the accident occurs after December 31, 2005;**

within ten (10) days after the accident.

SECTION 22. IC 9-26-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. The state police department may ~~do the following:~~

~~(1) Require a driver who is required to file a report under this chapter to file supplemental reports if the original report is insufficient in the opinion of the state police department.~~

~~(2) require witnesses of accidents to submit reports to the state~~

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police department.

SECTION 23. IC 9-26-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) A city or town may by ordinance require that the driver of a vehicle involved in an accident file with a designated city or town department:

- (1) a report of the accident; or
- (2) a copy of a report required in this article to be filed with the:
  - (A) state police department; **or**
  - (B) **bureau.**

(b) An accident report required to be filed under subsection (a) is for the confidential use of the designated city or town department and subject to IC 9-26-3-4.

SECTION 24. IC 9-27-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. The office shall do the following to carry out this chapter:

- (1) Develop, plan, and conduct programs and activities designed to prevent and reduce traffic accidents and to facilitate the control of traffic on Indiana streets and highways.
- (2) Advise, recommend, and consult with state departments, divisions, boards, commissions, and agencies concerning traffic safety, accident prevention, and traffic facilitation programs and activities and coordinate these programs and activities on an effective statewide basis.
- (3) Organize and conduct, in cooperation with state departments and agencies, programs, services, and activities designed to aid political subdivisions in the control of traffic and prevention of traffic accidents.
- (4) Develop informational, educational, and promotional material on traffic control and traffic accident prevention, disseminate the material through all possible means of public information, and serve as a clearinghouse for information and publicity on traffic control and accident prevention programs and activities of state departments and agencies. **These activities must include materials and information designed to make senior citizens aware of the effect of age on driving ability.**
- (5) Cooperate with public and private agencies interested in traffic control and traffic accident prevention in the development and conduct of public informational and educational activities designed to promote traffic safety or to support the official traffic safety program of Indiana.
- (6) Study and determine the merits of proposals affecting traffic control, traffic safety, or traffic accident prevention activities in

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Indiana and recommend to the governor and the general assembly the measures that will serve to further control and reduce traffic accidents.

(7) Study proposed revisions and amendments to the motor vehicle laws and all other laws concerning traffic safety and make recommendations relative to those laws to the governor and general assembly.

(8) Develop and conduct a program of effective alcohol and drug countermeasures to protect and conserve life and property on Indiana streets and highways.

(9) Administer the operation lifesaver program referred to in section 12 of this chapter to promote and coordinate public education concerning railroad grade crossing safety.

SECTION 25. IC 9-27-4-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5.5. (a) To **receive be eligible for** an instructor's license under subsection (d), an individual must complete at least sixty (60) semester hours at a college. The individual must:

(1) complete at least ~~twelve (12)~~ **nine (9)** semester hours in driver education courses; ~~of which three (3) semester hours must consist of supervised student teaching experience under the direction of an individual who has:~~

(1) a driver and traffic safety education endorsement issued by the professional standards board established by IC 20-1-1.4; and

(2) ~~be at least five (5)~~ **twenty-one (21)** years of teaching experience in driver education; **age upon completion of the driver education courses required by subdivision (1).**

(b) The ~~three (3)~~ semester hours of supervised student teaching experience required under subsection (a) may only be undertaken by an individual who will be at least twenty-one (21) years of age upon completion and may only be performed at a high school, a commercial driving school, or the college providing the courses for the individual to become an instructor. The remaining nine (9) hours of driver education courses required under subsection ~~(a)~~ **(a)(1)** must include a combination of theoretical and behind-the-wheel instruction that is consistent with nationally accepted standards in traffic safety.

(c) The driver education semester hours ~~required~~ **completed** under subsection ~~(a)~~ **(a)(1)** do not satisfy the requirements of subsection (d) or (e) unless the driver education curriculum is approved by the commission for higher education.

(d) The bureau shall issue an instructor's license to an individual who satisfies all of the following:

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(1) The individual meets the requirements of subsection (a).

(2) The individual does not have more than the maximum number of points for violating traffic laws specified by the bureau by rules adopted under IC 4-22-2.

(3) The individual has a good moral character, physical condition, knowledge of the rules of the road, and work history. The bureau shall adopt rules under IC 4-22-2 that specify the requirements, including requirements about criminal convictions, necessary to satisfy the conditions of this subdivision.

(e) The bureau shall issue an instructor's license to an individual who:

(1) during 1995, held an instructor's license;

(2) meets the requirements of subsection (d)(2) and (d)(3); and

(3) ~~completes~~ **completed** the ~~twelve (12)~~ **number of** semester hours of driver education courses ~~that were then~~ required under subsection ~~(a)~~ **(a)(1)** not later than July 1, 1999.

However, an individual who has acted as an instructor for at least two (2) years before January 1, 1996, is not required to complete the requirements of subdivision (3) in order to receive an instructor's license under this subsection.

(f) The bureau shall issue an instructor's license to an individual who:

(1) holds a driver and traffic safety education endorsement issued by the professional standards board established under IC 20-1-1.4; and

(2) meets the requirements of subsection (d)(2) and (d)(3).

(g) Only an individual who holds an instructor's license issued by the bureau under subsection (d), (e), or (f) may act as an instructor.

SECTION 26. IC 9-29-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The fee to obtain information ~~on~~ **regarding vehicle** titles ~~registrations, and driver's licenses~~ under IC 9-14-3-5 is:

(1) four dollars (\$4) for each record requested **in writing; and**

(2) **one dollar (\$1) for each record requested electronically through the computer gateway administered by the intelenet commission under IC 5-21;**

**plus any service fee charged by the intelenet commission.**

(b) The fee to obtain information regarding a license, vehicle registration, or permit under IC 9-14-3-5 is four dollars (\$4) for a record requested either:

(1) **in writing; or**

(2) **electronically through the computer gateway administered**

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1           **by the intelenet commission under IC 5-21;**  
 2           **plus any service fee charged by the intelenet commission.**

3           ~~(b)~~ (c) The fee imposed by this section **and paid to the bureau** is  
 4           in lieu of fees established under IC 5-14-3-8 and does not apply to a  
 5           law enforcement agency or an agency of government.

6           SECTION 27. IC 9-29-3-19 IS AMENDED TO READ AS  
 7           FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19. (a) As used in this  
 8           section, "low numbered motor vehicle registration plate" means any  
 9           motor vehicle registration plate numbered from one (1) to one hundred  
 10          (100) before or after the county designation number or letter series  
 11          designation, or both.

12          (b) As used in this section, "pull service charge" refers to the charge  
 13          that the commission may require for a requested low numbered motor  
 14          vehicle registration plate or a special numbered motor vehicle  
 15          registration plate.

16          (c) As used in this section, "special numbered motor vehicle  
 17          registration plate" means any plate, other than a low numbered motor  
 18          vehicle registration plate, requested for issuance out of its established  
 19          numerical sequence.

20          (d) Subject to subsections (e) and (f) and with the approval of the  
 21          commission, the bureau may adopt rules under IC 4-22-2 to do the  
 22          following:

23               (1) Increase or decrease any of the service charges listed in  
 24               sections 1 through 18 of this chapter.

25               (2) Impose a service charge on any other license branch service  
 26               that is not listed in sections 1 through 18 of this chapter.

27               (3) Increase or decrease a service charge imposed under  
 28               subdivision (2).

29          (e) The bureau's authority to adopt rules under subsection (d) is  
 30          subject to the condition that a service charge must be uniform  
 31          throughout all license branches and at all partial service locations in  
 32          Indiana.

33          (f) The bureau may not impose a pull service charge for a requested  
 34          passenger motor vehicle registration plate containing **any of the**  
 35          ~~numbers set forth in IC 9-18-2-28~~ **numerals 1 through 100 following**  
 36          **a prefix number or letter, or both,** for a vehicle issued a license plate  
 37          under IC 9-18-17 that designates the vehicle as being owned by a  
 38          former prisoner of war or by the surviving spouse of a former prisoner  
 39          of war.

40          (g) The bureau may not impose a pull service charge of more than  
 41          fifteen dollars (\$15) for a requested motor vehicle registration plate  
 42          issued under IC 9-18-25 for a special group recognition license plate

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1 that commemorates the bicentennial of the Lewis and Clark expedition.

2 SECTION 28. IC 34-30-2-30.5 IS ADDED TO THE INDIANA  
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2005]: **Sec. 30.5. IC 9-24-10-7.5 (Concerning**  
5 **physicians, optometrists, or advanced practice nurses making**  
6 **reports concerning driver impairment).**

7 SECTION 29. IC 9-18-2-28 IS REPEALED [EFFECTIVE JULY 1,  
8 2005].

9 SECTION 30. [EFFECTIVE JULY 1, 2005] (a) **Notwithstanding**  
10 **IC 9-29-2-2, as amended by this act, the fee charged before**  
11 **January 1, 2006, for a record of a vehicle title that is requested**  
12 **electronically through the computer gateway administered by the**  
13 **intelenet commission under IC 5-21 is four dollars (\$4). The**  
14 **intelenet commission may also charge a service fee.**

15 (b) **This SECTION expires January 1, 2006.**

16 SECTION 31. **An emergency is declared for this act.**

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## COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 533, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 17, reset in roman "IC 36-2-14-10."

Page 2, line 17, delete "IC 36-2-14-10(a)."

Page 6, line 35, delete "IC 25-22.5 is" and insert **"IC 25-22.5, an optometrist licensed to practice optometry under IC 25-24, and an advanced practice nurse licensed under IC 25-23 who have personally examined the patient not more than thirty (30) days before making a report concerning the patient's fitness to operate a motor vehicle are"**.

Page 6, line 35, after "made" insert **"in good faith"**.

Page 6, line 40, after "physician" insert **", optometrist, or advanced practice nurse"**.

Page 9, line 39, after "physicians" insert **", optometrists, or advanced practice nurses"**.

and when so amended that said bill do pass.

(Reference is to SB 533 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 11, Nays 0.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 533, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, between lines 19 and 20, begin a new paragraph and insert:

**"SECTION 2. IC 6-6-5-7.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7.9. (a) As used in this section, "passenger motor vehicle" has the meaning set forth in IC 9-13-2-123(a).**

**(b) Notwithstanding any other law, and for calendar year 2006, the registration fee for a passenger motor vehicle that is registered in Indiana in calendar year 2005 shall be at the rate as set forth in**

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**IC 9-29-5-1 with no reduction for any partial calendar month that has elapsed since the regular annual registration date in calendar year 2005.**

**(c) This section expires January 1, 2007.**

SECTION 3. IC 9-14-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The commissioner shall do the following:

(1) Administer and enforce:

**(A) this title and other statutes concerning the bureau; and**

~~(2) Administer and enforce~~

**(B) the policies and procedures of the ~~commission~~ bureau.**

~~(3) (2)~~ Organize the bureau in the manner necessary to carry out the duties of the bureau.

~~(4) (3)~~ Submit to the ~~commission~~, before September 1 of each year budget proposals for the bureau including license branches staffed by employees of the ~~commission~~ under IC 9-16. to the **budget director before September 1 of each year.**

~~(5) (4)~~ Perform other duties assigned by the ~~commission~~. as **required by the bureau.**

SECTION 4. IC 9-14-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) Except as provided in subsection (b), (d), or (e), the bureau shall prepare and deliver information on titles, registrations, and licenses and permits upon the request of any person. All requests must be:

(1) submitted in writing; or

**(2) made electronically through the computer gateway administered by the intelenet commission under IC 5-21;**

to the bureau and, unless exempted under IC 9-29, must be accompanied by the payment of the fee prescribed in IC 9-29-2-2.

(b) The bureau shall not disclose:

(1) the Social Security number;

(2) the federal identification number;

(3) the driver's license number;

(4) the digital image of the driver's license applicant;

(5) a reproduction of the signature secured under IC 9-24-9-1 or IC 9-24-16-3; or

(6) medical or disability information;

of any person except as provided in subsection (c).

(c) The bureau may disclose any information listed in subsection (b):

(1) to a law enforcement officer;

(2) to an agent or a designee of the department of state revenue;

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(3) for uses permitted under IC 9-14-3.5-10(1), IC 9-14-3.5-10(4), IC 9-14-3.5-10(6), and IC 9-14-3.5-10(9); or

(4) for voter registration and election purposes required under IC 3-7 or IC 9-24-2.5.

(d) As provided under 42 U.S.C. 1973gg-3(b), the commission may not disclose any information concerning the failure of an applicant for a motor vehicle driver's license to sign a voter registration application, except as authorized under IC 3-7-14.

(e) The commission may not disclose any information concerning the failure of an applicant for a title, registration, license, or permit (other than a motor vehicle license described under subsection (d)) to sign a voter registration application, except as authorized under IC 3-7-14."

Page 6, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 6. IC 9-16-1-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.5. (a) The commission may contract with a qualified person to provide partial services at a qualified person's ~~walk-up~~ location, including locations within a facility used for other purposes, such as electronic titling and title application services and self-serve terminal access.

(b) A contract for providing motor vehicle registration and renewal services at a ~~walk-up~~ location must include the following provisions:

(1) The contractor must provide trained personnel to properly process motor vehicle registration and renewal transactions.

(2) The contractor shall do the following:

(A) Collect and transmit all bureau fees and taxes collected at the contract location.

(B) Deposit the taxes collected at the contract location with the county treasurer in the manner prescribed by IC 6-3.5 or IC 6-6-5.

(3) The contractor shall provide fidelity bond coverage in an amount prescribed by the commission.

(4) The contractor shall pay the cost of any post audits conducted by the commission or the state board of accounts on an actual cost basis.

(5) The commission must approve each location and physical facility used by a contractor.

(6) The term of the contract must be for a fixed period.

SECTION 7. IC 9-16-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. Each license branch, **full service provider, or partial services provider** shall collect the service charges prescribed by IC 9-29-3 and ~~deposited~~ **deposit the service**

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**charges** in the state license branch fund established under IC 9-29-14.

SECTION 8. IC 9-18-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The bureau shall register vehicles under the schedule in this section.

(b) A person who owns a vehicle shall receive a license plate, renewal tag, or other indicia upon registration of the vehicle. The bureau may determine the device required to be displayed.

(c) A corporation shall register, before February 1 of each year, the following vehicles that are owned by the corporation:

(1) A passenger motor vehicle that is not regularly rented to others for not more than twenty-nine (29) days in the regular course of the corporation's business.

(2) A recreational vehicle.

(3) A motorcycle.

(4) A truck that:

(A) is not regularly rented to others for not more than twenty-nine (29) days in the regular course of the corporation's business; and

(B) has a declared gross weight of not more than eleven thousand (11,000) pounds.

(d) A corporation that owns a:

(1) passenger motor vehicle; or

(2) truck that has a declared gross weight of not more than eleven thousand (11,000) pounds;

that is regularly rented to others for periods of not more than twenty-nine (29) days in the regular course of the corporation's business must register the passenger motor vehicle or truck before March 1 of each year.

(e) **For registrations for 2005**, a person who owns a:

(1) passenger motor vehicle;

(2) recreational vehicle;

(3) motorcycle; or

(4) truck that has a declared gross weight of not more than eleven thousand (11,000) pounds;

that is not subject to the registration requirements under subsection (d) shall register the passenger motor vehicle, recreational vehicle, motorcycle, or truck in conformance with the schedule set forth in subsection (f) or (g).

(f) **After December 31, 2005, a person who owns a vehicle subject to registration under this subsection shall register the vehicle in accordance with subsection (g).** The following schedule applies to persons who own vehicles that are required to be registered

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under subsection (e):

- (1) Persons whose last names begin with the letters A through BE shall register before February 16 of each year.
- (2) Persons whose last names begin with the letters BF through BZ shall register before March 1 of each year.
- (3) Persons whose last names begin with the letter C shall register before March 16 of each year.
- (4) Persons whose last names begin with the letter D shall register before April 1 of each year.
- (5) Persons whose last names begin with the letters E through F shall register before April 16 of each year.
- (6) Persons whose last names begin with the letter G shall register before May 1 of each year.
- (7) Persons whose last names begin with the letters HA through HN shall register before May 16 of each year.
- (8) Persons whose last names begin with the letters HO through I shall register before June 1 of each year.
- (9) Persons whose last names begin with the letters J through KM shall register before June 16 of each year.
- (10) Persons whose last names begin with the letters KN through L shall register before July 1 of each year.
- (11) Persons whose last names begin with the letters MA through ME shall register before July 16 of each year.
- (12) Persons whose last names begin with the letters MF through O shall register before August 1 of each year.
- (13) Persons whose last names begin with the letters P through Q shall register before August 16 of each year.
- (14) Persons whose last names begin with the letter R shall register before September 1 of each year.
- (15) Persons whose last names begin with the letters SA through SN shall register before September 16 of each year.
- (16) Persons whose last names begin with the letters SO through T shall register before October 1 of each year.
- (17) Persons whose last names begin with the letters U through WK shall register before October 16 of each year.
- (18) Persons whose last names begin with the letters WL through Z shall register before November 1 of each year.

**(g) The bureau shall determine the schedule for registration for the categories of vehicles set forth in subsection (e) for registrations required after December 31, 2005.**

**(g) (h)** A person who owns a vehicle **in a category** required to be registered under subsection (c), (d), or (e), and who desires to register

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the vehicle for the first time must apply to the bureau for a registration application form. The bureau shall do the following:

- (1) Administer the registration application form.
- (2) Issue the license plate.
- (3) Collect the proper registration and service fees in accordance with the procedure established by the bureau.

~~(4)~~ (i) The bureau shall issue a semipermanent plate under section 30 of this chapter, or:

- (1) an annual renewal tag; or
- (2) other indicia;

to be affixed on the semipermanent plate.

SECTION 9. IC 9-18-2-47 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 47. (a) The commissioner shall adopt rules under IC 4-22-2 prescribing the cycle for the issuance and replacement of license plates under this article. The rules adopted under this section shall provide that a license plate for a vehicle issued under this article is valid for five (5) years.

(b) The rules adopted under this section do not apply to:

- ~~(1)~~ low digit license plates issued under section 28 of this chapter;
- ~~(2)~~ (1) truck license plates issued under section 4.5 or 18 of this chapter; and
- ~~(3)~~ (2) general assembly and other state official license plates issued under IC 9-18-16.

SECTION 10. IC 9-23-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) A license issued under this chapter may be denied, suspended, or revoked for any of the following:

- (1) Material misrepresentation in the application for the license or other information filed with the commissioner.
- (2) Lack of fitness under the standards set forth in this article or a rule adopted by the commissioner under this article.
- (3) Willful failure to comply with the provisions of this article or a rule adopted by the commissioner under this article.
- (4) Willful violation of a federal or state law relating to the sale, distribution, financing, or insuring of motor vehicles.
- (5) Engaging in an unfair practice as set forth in this article or a rule adopted by the commissioner under this article.
- (6) Violating IC 23-2-2.7.

~~(b)~~ Except as provided in subsection (d), the procedures set forth in IC 4-21.5 govern the denial, suspension, or revocation of a license and a judicial review. **However, A denial, suspension, or revocation of a license may not take effect until thirty (30) days after the**

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**commissioner's determination has been made and a notice of the determination served upon the affected person.**

(b) If the bureau denies, suspends, or revokes a license issued or sought under this article, the affected person may file an action in the circuit court of Marion County, Indiana, or the circuit court of the Indiana county in which the person's principal place of business is located, seeking a judicial determination as to whether the action is proper. ~~An action may not take effect until thirty (30) days after the commissioner's determination has been made and a notice of the determination served upon the affected person.~~ The filing of an action as described in this section within the thirty (30) day period is an automatic stay of the commissioner's determination.

(c) Revocation or suspension of a license of a manufacturer, a distributor, a factory branch, a distributor branch, a dealer, or an automobile auctioneer may be limited to one (1) or more locations, to one (1) or more defined areas, or only to certain aspects of the business.

(d) A license may be denied, suspended, or revoked for violating IC 9-19-1. IC 4-21.5-4 governs the denial, suspension, or revocation of a license under this subsection. The bureau may issue a temporary order to enforce this subsection.

SECTION 11. IC 9-24-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The bureau shall adopt rules under IC 4-22-2 to regulate persons required to hold a commercial driver's license.

(b) The rules must carry out 49 U.S.C. 521, 49 U.S.C. 31104, 49 U.S.C. 31301 through 31306, 49 U.S.C. 31308 through 31317, and 49 CFR 383 through 384, and may not be more restrictive than the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159.113 Stat. 1748).

(c) Rules adopted under this section must include the following:

- (1) Establishment of classes and periods of validation of commercial driver's licenses.
- (2) Standards for commercial driver's licenses, including suspension and revocation procedures.
- (3) Requirements for documentation of eligibility for legal employment, as set forth in 8 CFR 274a.2, and proof of residence in Indiana.
- (4) Development of written or oral tests, driving tests, and fitness requirements.
- (5) Defining the commercial driver's licenses by classification and the information to be contained on the licenses, including ~~the Social Security number~~ and a unique identifier of the holder.

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(6) Establishing fees for the issuance of commercial driver's licenses, including fees for testing and examination.

(7) Procedures for the notification by the holder of a commercial driver's license to the bureau and the driver's employer of pointable traffic offense convictions.

(8) Conditions for reciprocity with other states, including requirements for a written commercial driver's license test and operational skills test, and a hazardous materials endorsement written test and operational skills test, before a license may be issued.

(9) Other rules necessary to administer this chapter.

(d) 49 CFR 383 through 384 are adopted as Indiana law."

Page 6, line 36, delete "and" and insert "**or**".

Page 6, line 37, delete "have" and insert "**has**".

Page 6, line 39, delete "are" and insert "**is**".

Page 7, delete lines 5 through 42, begin a new paragraph and insert:  
 "SECTION 13. IC 9-24-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Except as provided in subsection (b) **and section 10 of this chapter**, an operator's license issued under this article after December 31, 1996, **and before January 1, 2006**, expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.

(b) **Except as provided in section 10 of this chapter**, an operator's license issued after December 31, 1996, to an applicant who is at least seventy-five (75) years of age:

(1) expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance; **and**

(2) **must be renewed by the holder by application in person at a license branch, as provided under section 5(c) of this chapter.**

(c) **Except as provided in subsection (b) and section 10 of this chapter, after December 31, 2005, an operator's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.**

SECTION 14. IC 9-24-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) **Except as provided in section 10 of this chapter**, a chauffeur's license issued under this article after December 31, 1996, **and before January 1, 2006**, expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.

(b) **After December 31, 2005, a chauffeur's license issued under this article expires at midnight of the birthday of the holder that**

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occurs six (6) years following the date of issuance.

(c) An individual who is:

(1) at least seventy-five (75) years of age; and

(2) renewing a chauffeur's license;

**must renew by application in person at a license branch, as provided under section 5(c) of this chapter.**

SECTION 15. IC 9-24-12-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) An individual who applies for renewal of an operator's, a motorcycle operator's, a chauffeur's, or a public passenger chauffeur's license in person at a license branch must do the following:

(1) Pass an eyesight examination.

(2) Pass a written examination if:

(A) the applicant has at least six (6) active points on the applicant's driving record maintained by the bureau; or

(B) the applicant holds a valid operator's license but has not reached the applicant's twenty-first birthday.

(b) **Except as provided in section 10 of this chapter**, an individual may apply for renewal of an operator's, a motorcycle operator's, a chauffeur's, or a public passenger chauffeur's license by mail or by electronic service if the following conditions are met:

(1) A valid computerized image of the individual exists within the records of the bureau.

(2) The previous renewal of the operator's, motorcycle operator's, chauffeur's, or public passenger chauffeur's license was not made by mail or by electronic service.

(3) The previous renewal included a test approved by the bureau of the applicant's eyesight.

(4) The applicant, if applying for the renewal in person at a license branch, would not be required under subsection (a)(2) to submit to a written examination.

(c) An individual applying for the renewal of an operator's, a motorcycle operator's, a chauffeur's, or a public passenger chauffeur's license must apply in person at a license branch under subsection (a) if the individual is not entitled to apply by mail or by electronic service:

(1) under subsection (b); **or**

(2) **as provided by section 1(b)(2), 2(c), 7(b)(2), or 10(b) of this chapter.**

SECTION 16. IC 9-24-12-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) Except as provided in subsection (b) **and section 10 of this chapter**, a motorcycle operator's license issued after December 31, 1996, **and**

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**before January 1, 2006**, expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.

(b) **Except as provided in section 10 of this chapter**, a motorcycle operator's license issued after December 31, 1996, to an applicant who is at least seventy-five (75) years of age:

(1) expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance; **and**

(2) **must be renewed by the holder by application in person at a license branch, as provided under section 5(c) of this chapter.**

(c) **After December 31, 2005, except as provided in subsection (b), a motorcycle operator's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.**

~~(c)~~ (d) A motorcycle operator endorsement remains in effect for the same term as the license being endorsed and is subject to renewal at and after the expiration of the license in accordance with this chapter.

~~(d)~~ (e) A temporary motorcycle learner's permit is valid for twelve (12) months from date of issuance."

Page 8, delete lines 1 through 23.

Page 8, line 27, delete "operator's license;" and insert "**operator's**;"

Page 8, between lines 38 and 39, begin a new paragraph and insert:  
"SECTION 18. IC 9-24-16-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. An identification card **issued:**

(1) **before January 1, 2006**, expires on the fourth birthday of the applicant following the date of issue; **and**

(2) **after December 31, 2005, expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.**

SECTION 19. IC 9-24-16-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) An application for renewal of an identification card may be made not more than six (6) months before the expiration date of the card. A renewal application received after the date of expiration is considered to be a new application.

(b) A renewed card **issued:**

(1) **before January 1, 2006**, becomes valid on the birth date of the holder and remains valid for four (4) years; **and**

(2) **after December 31, 2005, is valid on the birth date of the holder and remains valid for six (6) years.**

(c) If renewal has not been made within six (6) months after

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expiration, the bureau shall destroy all records pertaining to the former cardholder.

(d) Renewal may not be granted if the cardholder was issued a driver's license subsequent to the last issuance of an identification card.

(e) An individual may apply for renewal of an identification card by mail or by electronic service if the following conditions are met:

(1) A valid computerized image of the individual exists within the records of the bureau.

(2) The previous renewal of the identification card was not made by mail or by electronic service.

SECTION 20. IC 9-26-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The driver of a vehicle involved in an accident that results in the injury or death of a person shall do the following:

(1) Immediately stop the vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.

(2) Immediately return to and remain at the scene of the accident until the driver does the following:

(A) Gives the driver's name and address and the registration number of the vehicle the driver was driving.

(B) Upon request, exhibits the driver's license of the driver to the following:

(i) The person struck.

(ii) The driver or occupant of or person attending each vehicle involved in the accident.

(C) Determines the need for and renders reasonable assistance to each person injured in the accident, including the removal or the making of arrangements for the removal of each injured person to a physician or hospital for medical treatment.

(3) Immediately give notice of the accident by the quickest means of communication to one (1) of the following:

(A) The local police department if the accident occurs within a municipality.

(B) The office of the county sheriff or the nearest state police post if the accident occurs outside a municipality.

(4) Within ten (10) days after the accident, forward a written report of the accident to the:

(A) state police department, **if the accident occurs before January 1, 2006; or**

(B) bureau, **if the accident occurs after December 31, 2005.**

SECTION 21. IC 9-26-1-2 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The driver of a vehicle involved in an accident that does not result in injury or death of a person but that does result in damage to a vehicle that is driven or attended by a person shall do the following:

(1) Immediately stop the vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.

(2) Immediately return to and remain at the scene of the accident until the driver does the following:

(A) Gives the driver's name and address and the registration number of the vehicle the driver was driving.

(B) Upon request, exhibits the driver's license of the driver to the driver or occupant of or person attending each vehicle involved in the accident.

(3) If the accident results in total property damage to an apparent extent of at least one thousand dollars (\$1,000), forward a written report of the accident to the:

(A) state police department, **if the accident occurs before January 1, 2006; or**

(B) bureau, **if the accident occurs after December 31, 2005;**

within ten (10) days after the accident.

SECTION 22. IC 9-26-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. The state police department may ~~do the following:~~

~~(1) Require a driver who is required to file a report under this chapter to file supplemental reports if the original report is insufficient in the opinion of the state police department.~~

~~(2) require witnesses of accidents to submit reports to the state police department.~~

SECTION 23. IC 9-26-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) A city or town may by ordinance require that the driver of a vehicle involved in an accident file with a designated city or town department:

(1) a report of the accident; or

(2) a copy of a report required in this article to be filed with the:

(A) state police department; **or**

(B) bureau.

(b) An accident report required to be filed under subsection (a) is for the confidential use of the designated city or town department and subject to IC 9-26-3-4."

Page 9, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 25. IC 9-27-4-5.5 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5.5. (a) To **receive be eligible for** an instructor's license under subsection (d), an individual must complete at least sixty (60) semester hours at a college. The individual must:

(1) complete at least ~~twelve (12)~~ **nine (9)** semester hours in driver education courses; ~~of which three (3) semester hours must consist of supervised student teaching experience under the direction of an individual who has:~~

(1) a driver and traffic safety education endorsement issued by the professional standards board established by IC 20-1-1.4; and

(2) ~~be at least five (5)~~ **twenty-one (21)** years of ~~teaching experience in driver education.~~ **age upon completion of the driver education courses required by subdivision (1).**

(b) The ~~three (3)~~ semester hours of supervised student teaching experience required under subsection (a) may only be undertaken by an individual who will be at least ~~twenty-one (21)~~ years of age upon completion and may only be performed at a high school, a commercial driving school, or the college providing the courses for the individual to become an instructor. The remaining ~~nine (9)~~ hours of driver education courses required under subsection ~~(a)~~ **(a)(1)** must include a combination of theoretical and behind-the-wheel instruction that is consistent with nationally accepted standards in traffic safety.

(c) The driver education semester hours ~~required~~ **completed** under subsection ~~(a)~~ **(a)(1)** do not satisfy the requirements of subsection (d) or (e) unless the driver education curriculum is approved by the commission for higher education.

(d) The bureau shall issue an instructor's license to an individual who satisfies all of the following:

(1) The individual meets the requirements of subsection (a).

(2) The individual does not have more than the maximum number of points for violating traffic laws specified by the bureau by rules adopted under IC 4-22-2.

(3) The individual has a good moral character, physical condition, knowledge of the rules of the road, and work history. The bureau shall adopt rules under IC 4-22-2 that specify the requirements, including requirements about criminal convictions, necessary to satisfy the conditions of this subdivision.

(e) The bureau shall issue an instructor's license to an individual who:

(1) during 1995, held an instructor's license;

(2) meets the requirements of subsection (d)(2) and (d)(3); and

(3) ~~completes~~ **completed** the ~~twelve (12)~~ **number of** semester

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hours of driver education courses **that were then** required under subsection ~~(a)~~ **(a)(1)** not later than July 1, 1999.

However, an individual who has acted as an instructor for at least two (2) years before January 1, 1996, is not required to complete the requirements of subdivision (3) in order to receive an instructor's license under this subsection.

(f) The bureau shall issue an instructor's license to an individual who:

- (1) holds a driver and traffic safety education endorsement issued by the professional standards board established under IC 20-1-1.4; and
- (2) meets the requirements of subsection (d)(2) and (d)(3).

(g) Only an individual who holds an instructor's license issued by the bureau under subsection (d), (e), or (f) may act as an instructor.

SECTION 26. IC 9-29-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The fee to obtain information ~~on~~ **regarding vehicle** titles ~~registrations, and driver's licenses~~ under IC 9-14-3-5 is:

- (1) four dollars (\$4) for each record requested **in writing; and**
- (2) **one dollar (\$1) for each record requested electronically through the computer gateway administered by the intelenet commission under IC 5-21;**

**plus any service fee charged by the intelenet commission.**

(b) The fee to obtain information regarding a license, vehicle registration, or permit under IC 9-14-3-5 is four dollars (\$4) for a record requested either:

- (1) **in writing; or**
- (2) **electronically through the computer gateway administered by the intelenet commission under IC 5-21;**

**plus any service fee charged by the intelenet commission.**

~~(b)~~ (c) The fee imposed by this section **and paid to the bureau** is in lieu of fees established under IC 5-14-3-8 and does not apply to a law enforcement agency or an agency of government.

SECTION 27. IC 9-29-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The service charge for each of the first two thousand (2,000) operator's licenses, including motorcycle operator's licenses, issued at a license branch each year is two dollars (\$2). **This subsection expires December 31, 2005.**

(b) The service charge for each additional operator's license or motorcycle operator's license issued at that license branch each year is one dollar and fifty cents (\$1.50). **This subsection expires December**

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**31, 2005.**

(c) Fifty cents (\$0.50) of each service charge collected under this section shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.

**(d) After December 31, 2005, the service charge for an operator's license is three dollars (\$3).**

SECTION 28. IC 9-29-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) The service charge for each learner's permit, chauffeur's license, or public passenger chauffeur's license is two dollars (\$2). **This subsection expires December 31, 2005.**

(b) Fifty cents (\$0.50) of each service charge collected under ~~subsection (a)~~ **this section** shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.

**(c) After December 31, 2005, the service charge for a learner's permit, public passenger chauffeur's license, or chauffeur's license issued to or renewed for an individual who is at least seventy-five (75) years of age is two dollars (\$2). After December 31, 2005, the service charge for a chauffeur's license issued to or renewed for an individual less than seventy-five (75) years of age is three dollars (\$3).**

SECTION 29. IC 9-29-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The service charge for each temporary motorcycle learner's permit, motorcycle learner's permit, or motorcycle endorsement of an operator's license is one dollar and fifty cents (\$1.50). **This subsection expires December 31, 2005.**

(b) Fifty cents (\$0.50) of each service charge collected under ~~subsection (a)~~ **this section** shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.

**(c) After December 31, 2005, the service charge for a temporary motorcycle learner's permit, motorcycle learner's permit, or motorcycle endorsement of an operator's license issued to or renewed for an individual who is at least seventy-five (75) years of age is one dollar and fifty cents (\$1.50). After December 31, 2005, the service charge for a motorcycle endorsement of an operator's license issued to or renewed for an individual less than seventy-five (75) years of age is two dollars and twenty-five cents (\$2.25).**

SECTION 30. IC 9-29-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) The service charge for an identification card issued under IC 9-24 is fifty cents (\$0.50) and one-half (1/2) of each fee collected as set forth in

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IC 9-29-9-15. **This subsection expires December 31, 2005.**

(b) Fifty cents (\$0.50) of each service charge collected under ~~subsection (a)~~ **this section** shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.

**(c) After December 31, 2005, the service charge for an identification card issued under IC 9-24 is seventy-five cents (\$0.75) and one-half (1/2) of each fee collected as set forth in IC 9-29-9-15.**

SECTION 31. IC 9-29-3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19. (a) As used in this section, "low numbered motor vehicle registration plate" means any motor vehicle registration plate numbered from one (1) to one hundred (100) before or after the county designation number or letter series designation, or both.

(b) As used in this section, "pull service charge" refers to the charge that the commission may require for a requested low numbered motor vehicle registration plate or a special numbered motor vehicle registration plate.

(c) As used in this section, "special numbered motor vehicle registration plate" means any plate, other than a low numbered motor vehicle registration plate, requested for issuance out of its established numerical sequence.

(d) Subject to subsections (e) and (f) and with the approval of the commission, the bureau may adopt rules under IC 4-22-2 to do the following:

- (1) Increase or decrease any of the service charges listed in sections 1 through 18 of this chapter.
- (2) Impose a service charge on any other license branch service that is not listed in sections 1 through 18 of this chapter.
- (3) Increase or decrease a service charge imposed under subdivision (2).

(e) The bureau's authority to adopt rules under subsection (d) is subject to the condition that a service charge must be uniform throughout all license branches and at all partial service locations in Indiana.

(f) The bureau may not impose a pull service charge for a requested passenger motor vehicle registration plate containing **any of the numbers set forth in IC 9-18-2-28 numerals 1 through 100 following a prefix number or letter, or both**, for a vehicle issued a license plate under IC 9-18-17 that designates the vehicle as being owned by a former prisoner of war or by the surviving spouse of a former prisoner of war.

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(g) The bureau may not impose a pull service charge of more than fifteen dollars (\$15) for a requested motor vehicle registration plate issued under IC 9-18-25 for a special group recognition license plate that commemorates the bicentennial of the Lewis and Clark expedition.

SECTION 32. IC 9-29-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The fee for a four (4) year operator's license issued under IC 9-24-3 is six dollars (\$6). **This subsection expires December 31, 2005.**

(b) **After December 31, 2005, the fee for an operator's license issued under IC 9-24-3 or renewed under IC 9-24-12 to an individual who is:**

(1) **less than seventy-five (75) years of age is nine dollars (\$9);**  
and

(2) **at least seventy-five (75) years of age is six dollars (\$6).**

SECTION 33. IC 9-29-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The fee for a chauffeur's license issued under IC 9-24-4 is eight dollars (\$8). **This subsection expires December 31, 2005.**

(b) **After December 31, 2005, the fee for a chauffeur's license issued under IC 9-24-4 or renewed under IC 9-24-12 to an individual who is:**

(1) **at least seventy-five (75) years of age is eight dollars (\$8);**  
and

(2) **less than seventy-five (75) years of age is twelve dollars (\$12).**

SECTION 34. IC 9-29-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) The fee for a four (4) year motorcycle operator's license issued under IC 9-24-8 is six dollars (\$6). **This subsection expires December 31, 2005.**

(b) **After December 31, 2005, the fee for a motorcycle operator's license issued under IC 9-24-8 or renewed under IC 9-24-12 to an individual who is:**

(1) **at least seventy-five years (75) of age is six dollars (\$6);**  
and

(2) **less than seventy-five (75) years of age is nine dollars (\$9).**

SECTION 35. IC 9-29-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) The fee for a motorcycle operator endorsement of an operator's license is three dollars (\$3). **This subsection expires December 31, 2005.**

(b) **After December 31, 2005, the fee for validation of a motorcycle operator endorsement under IC 9-24-8-4 and IC 9-24-12-7(c) of an operator's license issued to an individual who**

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is:

- (1) at least seventy-five (75) years of age is three dollars (\$3);  
and
- (2) less than seventy-five (75) years of age is four dollars and fifty cents (\$4.50).

SECTION 36. IC 9-29-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The fee for a motorcycle operator endorsement of a chauffeur's license is three dollars (\$3). **This subsection expires December 31, 2005.**

(b) **After December 31, 2005, the fee for validation of a motorcycle operator endorsement under IC 9-24-8-4 and IC 9-24-12-7(c) of a chauffeur's license issued to an individual who is:**

- (1) at least seventy-five (75) years of age is three dollars (\$3);  
and
- (2) less than seventy-five (75) years of age is four dollars and fifty cents (\$4.50).

SECTION 37. IC 9-29-9-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15. (a) The fees for the issuance, renewal, or duplication of identification cards under IC 9-24-16 are as follows:

- (1) For a person at least sixty-five (65) years of age or a person with a physical disability and not entitled to obtain a ~~driving~~ **driver's** license, two dollars (\$2).
- (2) For any other eligible person, four dollars (\$4).

**This subsection expires December 31, 2005.**

(b) **After December 31, 2005, the fees for an issuance, a renewal, or a duplicate of an identification card under IC 9-24-16 are as follows:**

- (1) **For an individual at least sixty-five (65) years of age or an individual with a physical disability and not entitled to obtain a driver's license, three dollars and fifty cents (\$3.50).**
- (2) **For any other individual, six dollars (\$6)."**

Page 10, after line 2, begin a new paragraph and insert:

"SECTION 39. IC 9-18-2-28 IS REPEALED [EFFECTIVE JULY 1, 2005].

SECTION 40. [EFFECTIVE JULY 1, 2005] (a) **Notwithstanding IC 9-29-2-2, as amended by this act, the fee charged before January 1, 2006, for a record of a vehicle title that is requested electronically through the computer gateway administered by the intelenet commission under IC 5-21 is four dollars (\$4). The intelenet commission may also charge a service fee.**

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(b) This SECTION expires January 1, 2006."

SECTION 41. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 9-29-3-8, IC 9-29-3-9, IC 9-29-3-10, and IC 9-29-3-14, all as amended by this act, and in accordance with IC 9-29-3-19(d)(2), the bureau of motor vehicles shall adopt rules under IC 4-22-2 to increase the service charges in effect on July 1, 2005, under 140 IAC 8-3-9, 140 IAC 8-3-18, and 140 IAC 8-3-20 concerning service charges for an operator's license, a motorcycle license, a chauffeur's license, or a motorcycle endorsement of an operator's or a chauffeur's license for an individual who is less than seventy-five (75) years of age at the time of the issuance of or renewal of the license or endorsement. The rules must:

(1) provide that the applicable service charge is increased by fifty percent (50%) over the charge in effect on July 1, 2005; and

(2) be effective January 1, 2006.

(b) Before the effective date of the rules adopted under subsection (a), the bureau of motor vehicles shall carry out the duties imposed upon it under this SECTION under interim written guidelines approved by the commissioner of the bureau of motor vehicles. Interim guidelines approved under this subsection expire on the earlier of:

(1) the effective date of the rules adopted under subsection (a); or

(2) January 1, 2007.

(c) This SECTION expires on the earlier of the following:

(1) The date rules are adopted in accordance with this SECTION.

(2) January 1, 2007.

SECTION 42. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 9-29-9-2, IC 9-29-9-4, IC 9-29-9-6, IC 9-29-9-7, and IC 9-29-9-8, all as amended by this act, and in accordance with IC 9-29-1-2(b), the bureau of motor vehicles shall adopt rules under IC 4-22-2 to increase the license fee and motorcycle endorsement fee in effect on July 1, 2005, under 140 IAC 8-4-25 and 140 IAC 8-4-26 concerning license fee increases and motorcycle endorsement fee increases for certain operator's licenses, motorcycle licenses, chauffeur's licenses, or a motorcycle endorsement of an operator's or a chauffeur's license for an individual who is less than seventy-five (75) years of age at the time of the issuance of or renewal of the license or endorsement. The rules must:

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- (1) provide that the applicable license fee or motorcycle endorsement fee increase is increased by fifty percent (50%) over the charge in effect on July 1, 2005; and
- (2) be effective January 1, 2006.

(b) Before the effective date of the rules adopted under subsection (a), the bureau of motor vehicles shall carry out the duties imposed upon it under this SECTION under interim written guidelines approved by the commissioner of the bureau of motor vehicles. Interim guidelines approved under this subsection expire on the earlier of:

- (1) the effective date of the rules adopted under subsection (a); or
  - (2) January 1, 2007.
- (c) This SECTION expires on the earlier of the following:
- (1) The date rules are adopted in accordance with this SECTION.
  - (2) January 1, 2007.

SECTION 43. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 533 as printed February 25, 2005.)

DUNCAN, Chair

Committee Vote: yeas 10, nays 1.

# HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 533 be amended to read as follows:

Page 11, between lines 18 and 19, begin a new paragraph and insert:  
 "SECTION 10. IC 9-18-18-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) **This subsection applies before January 1, 2006.** Not more than two (2) disabled veteran license plates may be issued to each eligible person.

(b) **This subsection applies after December 31, 2005. An eligible person may apply for a disabled veteran license plate for each vehicle registered to the eligible person.**

Renumber all SECTIONS consecutively.

(Reference is to ESB 533 as printed March 30, 2005.)

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## HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 533 be amended to read as follows:

Page 6, between lines 30 and 31, begin a new paragraph and insert:  
 "SECTION 3. IC 8-2.1-24-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) 49 CFR Parts 382 through 387, 390 through 393, and 395 through 398 is incorporated into Indiana law by reference, and, except as provided in subsections (d), (e), (f), and (g), must be complied with by an interstate and intrastate motor carrier of persons or property throughout Indiana. Intrastate motor carriers subject to compliance reviews under 49 CFR 385 shall be selected according to criteria determined by the superintendent which must include but is not limited to factors such as previous history of violations found in roadside compliance checks and other recorded violations. ~~However,~~ The provisions of 49 CFR 395 that regulate the hours of service of drivers, including requirements for the maintenance of logs, do not apply to a driver of a truck that is registered by the bureau of motor vehicles and used as a farm truck under IC 9-18, or a vehicle operated in intrastate construction or construction related service, or the restoration of public utility services interrupted by an emergency. Except as provided in subsection (i), intrastate motor carriers not operating under authority issued by the United States Department of Transportation shall comply with the requirements of 49 CFR 390.21(b)(3) by registering with the department of state revenue as an intrastate motor carrier and displaying the certification number issued by the department of state revenue preceded by the letters "IN". Except as provided in subsection (i), all other requirements of 49 CFR 390.21 apply equally to interstate and intrastate motor carriers.

(b) 49 CFR 107 subpart (F) and subpart (G), 171 through 173, 177 through 178, and 180, is incorporated into Indiana law by reference, and every:

- (1) private carrier;
- (2) common carrier;
- (3) contract carrier;
- (4) motor carrier of property, intrastate;
- (5) hazardous material shipper; and
- (6) carrier otherwise exempt under section 3 of this chapter;

must comply with the federal regulations incorporated under this subsection, whether engaged in interstate or intrastate commerce.

(c) Notwithstanding subsection (b), nonspecification bulk and nonbulk packaging, including cargo tank motor vehicles, may be used

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only if all the following conditions exist:

- (1) The maximum capacity of the vehicle is less than three thousand five hundred (3,500) gallons.
- (2) The shipment of goods is limited to intrastate commerce.
- (3) The vehicle is used only for the purpose of transporting fuel oil, kerosene, diesel fuel, gasoline, gasohol, or any combination of these substances.

All additional federal standards for the safe transportation of hazardous materials apply until July 1, 2000. After June 30, 2000, the maintenance, inspection, and marking requirements of 49 CFR 173.8 and Part 180 are applicable. In accordance with federal hazardous materials regulations, new or additional nonspecification cargo tank motor vehicles may not be placed in service under this subsection after June 30, 1998.

(d) For the purpose of enforcing this section, only:

(1) a state police officer or state police motor carrier inspector who:

- (A) has successfully completed a course of instruction approved by the Federal Highway Administration; and
- (B) maintains an acceptable competency level as established by the state police department; or

(2) an employee of a law enforcement agency who:

- (A) before January 1, 1991, has successfully completed a course of instruction approved by the Federal Highway Administration; and
- (B) maintains an acceptable competency level as established by the state police department;

on the enforcement of 49 CFR, may, upon demand, inspect the books, accounts, papers, records, memoranda, equipment, and premises of any carrier, including a carrier exempt under section 3 of this chapter.

(e) A person hired before September 1, 1985, who operates a motor vehicle intrastate incidentally to the person's normal employment duties and who is not employed as a chauffeur (as defined in IC 9-13-2-21(a)) is exempt from 49 CFR 391 as incorporated by this section.

(f) Notwithstanding any provision of 49 CFR 391 to the contrary, a person at least eighteen (18) years of age and less than twenty-one (21) years of age may be employed as a driver to operate a commercial motor vehicle intrastate. However, a person employed under this subsection is not exempt from any other provision of 49 CFR 391.

(g) Notwithstanding subsection (a) or (b), the following provisions of 49 CFR do not apply to private carriers of property operated only in intrastate commerce or any carriers of property operated only in

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intrastate commerce ~~while employed in construction or construction related service~~ **regardless of whether the carrier vehicle is of a class that requires a commercial driver's license:**

(1) Subpart 391.41(b)(3) as it applies to physical qualifications of a driver who has ~~applied for or holds a commercial driver's license (as defined in IC 9-13-2-29)~~; **been** diagnosed as an insulin dependent diabetic, if the driver has applied for and been granted an intrastate medical waiver by the bureau of motor vehicles **pursuant to this subdivision. The same standards and the following procedures apply for this waiver regardless of whether the driver is required to hold a commercial driver's license. An application for the waiver may be submitted by a driver after having been** completed and signed by a certified endocrinologist or the driver's treating physician attesting that the driver:

(A) is **not** otherwise physically ~~qualified~~ **disqualified** under Subpart 391.41 to operate a motor vehicle, **regardless of whether an additional disqualifying condition results from the diabetic condition**, and is not likely to suffer any diminution in driving ability due to the driver's diabetic condition;

(B) is free of severe hypoglycemia or hypoglycemia unawareness and has had less than one (1) documented, symptomatic hypoglycemic reaction per month;

(C) has demonstrated the ability and willingness to properly monitor and manage the driver's diabetic condition;

(D) has agreed to and, to the endocrinologist's or treating physician's knowledge, has carried a source of rapidly absorbable glucose at all times while driving a motor vehicle, has self monitored blood glucose levels one (1) hour before driving and at least once every four (4) hours while driving or on duty before driving using a portable glucose monitoring device equipped with a computerized memory; and

(E) has submitted the blood glucose logs from the monitoring device to the endocrinologist or treating physician at the time of the annual medical examination.

A copy of the blood glucose logs shall be filed along with the annual statement from the endocrinologist or treating physician with the bureau of motor vehicles for review by the driver licensing medical advisory board established under IC 9-14-4. A copy of the annual statement shall also be provided to the driver's employer for retention in the driver's

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qualification file, and a copy shall be retained and held by the driver while driving for presentation to an authorized federal, state, or local law enforcement official. **Notwithstanding the requirements of this clause, the endocrinologist, the treating physician, the driver licensing medical advisory board, or the bureau of motor vehicles may establish a shorter period for the medical examination required under this clause when medical indications warrant.**

(2) Subpart 396.9 as it applies to inspection of vehicles carrying or loaded with a perishable product. However, this exemption does not prohibit a law enforcement officer from stopping these vehicles for an obvious violation that poses an imminent threat of an accident or incident. The exemption is not intended to include refrigerated vehicles loaded with perishables when the refrigeration unit is working.

(3) Subpart 396.11 as it applies to driver vehicle inspection reports.

(4) Subpart 396.13 as it applies to driver inspection.

(h) For purposes of 49 CFR 395.1(l), "planting and harvesting season" refers to the period between January 1 and December 31 of each year. The intrastate commerce exception set forth in 49 CFR 395.1(l), as it applies to the transportation of agricultural commodities and farm supplies, is restricted to single vehicles and cargo tank motor vehicles with a capacity of not more than five thousand four hundred (5,400) gallons.

(i) The requirements of 49 CFR 390.21 do not apply to an intrastate carrier or a guest operator not engaged in interstate commerce and operating a motor vehicle as a farm vehicle in connection with agricultural pursuits usual and normal to the user's farming operation or for personal purposes unless the vehicle is operated either part time or incidentally in the conduct of a commercial enterprise.

(j) The superintendent of state police may adopt rules under IC 4-22-2 governing the parts and subparts of 49 CFR incorporated by reference under this section."

Renumber all SECTIONS consecutively.

(Reference is to ESB 533 as printed March 30, 2005.)

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## HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 533 be amended to read as follows:

Page 13, line 27, delete "and before January 1, 2006,".

Page 13, delete lines 37 through 40.

Page 14, line 2, delete "and before January 1,".

Page 14, line 3, delete "2006,".

Page 14, delete lines 5 through 7.

Page 14, line 8, delete "(c)" and insert "**(b)**".

Page 15, line 1, delete "2(c)," and insert "**2(b)**".

Page 15, line 6, delete "and".

Page 15, line 7, delete "before January 1, 2006,".

Page 15, delete lines 17 through 20.

Page 15, line 21, reset in roman "(c)".

Page 15, line 21, delete "(d)".

Page 15, line 24, reset in roman "(d)".

Page 15, line 24, delete "(e)".

Page 15, delete lines 41 through 42.

Page 16, delete lines 1 through 28.

Page 21, delete lines 10 through 42.

Page 22, delete lines 1 through 26.

Page 23, delete lines 23 through 42.

Delete page 24.

Page 25, delete lines 1 through 9.

Page 25, delete lines 24 through 42.

Page 26, delete lines 1 through 39.

Renumber all SECTIONS consecutively.

(Reference is to ESB 533 as printed March 30, 2005.)

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